

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 28, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JERRY D. MCCONNACHIE,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES; DR. RICHARD
L. DENNIE; DR. VERNE CRESSY;
DR. DODDS SIMANGAN; and DR.
GREG BAHDER,

Defendants.

No. 2:21-cv-00181-SMJ

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Before the Court is Magistrate Judge Dimke's September 3, 2021 Report and Recommendation, ECF No. 6, recommending that the Court dismiss this matter with leave to amend. No objections have been filed. After reviewing the Report and Recommendation and relevant authorities, the Court finds the Magistrate Judge's findings are correct. Therefore, the Court adopts the Report and Recommendation, subject to the changes described below due to filings made after the Report and Recommendation.¹

¹ Plaintiff filed his First Amended Complaint on September 14, 2021. ECF No. 13. The Court will review the Amended Complaint by separate Order.

1 Plaintiff has sent numerous letters to the Magistrate court, which no longer
2 has jurisdiction over this case. ECF Nos 14–19. Plaintiff is directed to address all
3 future communications to this Court, *i.e.* Judge Mendoza. Additionally, Plaintiff is
4 advised that such letters are improper. Instead, if Plaintiff seeks relief, he must file
5 a proper motion. Such a motion shall clearly state what relief Plaintiff requests and
6 the arguments in support of that relief. He shall also attach any evidence to the
7 motion and explain in the motion how the evidence supports his position. To the
8 extent that he seeks for the letters to support his Amended Complaint, the Court
9 notes that all facts alleged must be contained in the complaint itself. As to the letters
10 already sent by Plaintiff, the Court cannot determine that any action is appropriate
11 at this time.

12 Accordingly, **IT IS HEREBY ORDERED:**

13 **1.** The Report and Recommendation, **ECF No. 12**, is **ADOPTED**,
14 subject to the changes described below.

15 **2.** Plaintiff's Complaint, **ECF No. 1**, is **DISMISSED WITH LEAVE**
16 **TO AMEND.**

17 **A.** Plaintiff is granted leave **ONLY** to amend his claims pertaining
18 to his medical care at Eastern State Hospital.

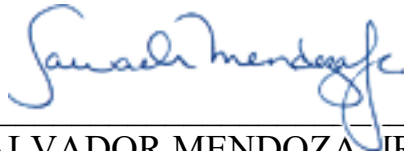
19 **B.** The Court will review Plaintiff's Amended Complaint, ECF No.
20 13, for legal sufficiency in a separate order.

1 **3.** The Court **DEFERS** ruling on Plaintiff's Motions for Appointment of
2 Counsel, **ECF Nos. 3 & 5**, until after a determination of legal
3 sufficiency.

4 **4.** Plaintiff must provide **notice of the dismissal** to any and all
5 Defendant(s) she served with a copy of the Complaint and Summons.

6 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
7 provide copies to *pro se* Plaintiff and Magistrate Judge Dimke.

8 **DATED** this 28th day of September 2021.

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 SALVADOR MENDOZA, JR.
 United States District Judge